

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00528/2019

Dated Wednesday the 10th day of April Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

R. Pushparani
No. 7/21, Thiruvalluvar 5th Street
Kasthuribai Nagar
Thiruneermalai Road
Tambaram (West)
Chennai – 600 045.

... Applicant

By Advocate M/s R. Malaichamy

Vs

1. Union of India
Rep. by the Assistant Director General
Ministry of Communications
Department of Posts (GDS Section)
Dak Bhawan, Sansad Marg
New Delhi – 110 001.

2. The Chief Postmaster General
Tamil Nadu Circle
Anna Salai
Chennai – 600 002.

3. Senior Superintendent of Post Offices
Tambaram Division
Tambaram, Chennai – 600 045.

... Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs :

"i. To call for the records of pertaining to the 2nd respondent which is made in STC/12-GDSONLINE/2019 (In so far as Kolapakkam BO under 3rd respondent Division is concerned) dated 10.03.2019 and set aside the same, consequent to,

ii. direct the respondents to absorb the applicant as GDS BPM at Kolapakkam BO under 3rd respondent Division on considering her long years of service with all attendant benefits; and,

iii. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. The grievance of the applicant is that the respondents have issued a notification on 10.03.2019 inviting applications from eligible candidates for selection and engagement on the post of Gramin Dak Sevak (GDS). It is submitted that the applicant had filed OA 863/2013 regarding her grievance which was disposed of by an order dt. 29.11.2018 directing the respondents to grant the same benefit to her as the applicants in the OA cited therein. Accordingly, the respondents were expected to include the name of the applicant in the dovetailed seniority list prepared in terms of the 23.12.1993 scheme as applied to one A. Suguna, a 1998 appointee. However, no order in pursuance thereof has been passed by the respondents.

3. The applicant apprehends that all the vacant posts of GDS including the post occupied presently by the applicant would be filled up in terms of the impugned notification and hence this OA seeking a direction to the respondents to absorb the applicant as GDS BPM at Kolapakkam BO in the 3rd respondent

division.

4. Learned counsel for applicant would argue that in as much as the respondents are already under a direction to include the name of the applicant in the dovetailed seniority list, they are bound to regularise her services and not fill up the post by direct recruitment in pursuance of the impugned notification.

5. Mr. M. Kishore Kumar takes notice for the respondents and submits that the order of this Tribunal in OA 863/2013 dt. 29.11.2018 along with the order dt. 06.08.2018 in OAs 1208/2013 & batch cases were proposed to be taken up in a WP before the Hon'ble Madras High Court and as such, the direction of this Tribunal had not attained finality. In the meantime, the respondents could not be stopped from proceeding to fill up the posts in accordance with the rules.

6. On perusal, it is seen that this Tribunal had granted the relief sought by the applicant herein to the extent allowed in the order dt. 29.11.2018 in OA 863/2013. The issues therefore, cannot be gone into again in this OA. Since the order was to grant the applicant the same benefits as the applicants in the aforesaid OAs subject to the outcome of Writ Petition, if any filed before the Hon'ble High Court, the filling up of vacancies in pursuance of the impugned notification dt. 10.03.2019 would be subject to the outcome of Writ Petition, if any before the Hon'ble High Court.

7. It is further seen that in the order dt. 06.08.2018 passed in similar OAs 1208/2013 and batch, it was directed that the benefit of decisions of *A. Suguna & Guruswamy* cited therein for inclusion of the applicants in the dovetailed

seniority which was prepared as per 23.12.1993 scheme as applied to A. Suguna, a 1998 appointee shall be granted to the applicants therein. Neither of the two orders mentions a time limit for action. However, since a period of six months has elapsed from the order dt. 06.08.2018 and no Writ Petition is alleged to have been filed so far, clearly the impugned notification shall be subject to the orders passed by this Tribunal in the two cases.

8. OA is disposed of with the above direction at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

10.04.2019

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